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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/797,176	RAO ET AL.	
	Examiner	Art Unit	
	Pierre-Louis Desir	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/06/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moles et al. (Moles), US Patent No. 6615038 in view of Shah, U.S. Patent No. 6047071.

Regarding claim 1, Moles discloses a mobile electronic device network employing provisioning techniques for updating electronic devices (see abstract), the network comprising: a device server capable of dispensing at least one update (i.e., mobile station configuration server) (see fig. 2, col. 6, lines 13-16); an electronic device having at least one of firmware and software (i.e., mobile station) (see fig. 2, and col. 6, lines 28-39), the electronic device being communicatively coupled to the device server (see fig. 2).

Although Moles discloses a network wherein either during the service provisioning or at a subsequent time, mobile station configuration server 160 gathers configuration data from MS 112 and stores it in a configuration record in a database. Thereafter, mobile station configuration server 160 may from time to time transmit mobile station updates to MS 112 to correct software

defects or to add new features (see figs 2-4, col. 6, lines 33-39), Moles does not specifically disclose a network comprising an update service in the electronic device, presence of the update service in the electronic device being determinable by the network, wherein when enabled the update service indicates to the network capability of the electronic device to update at least one of firmware and software, electronic device employing the at least one update to update the at least one of firmware and software.

However, Shah discloses a network comprising an update service in the electronic device, presence of the update service in the electronic device being determinable by the network, wherein when enabled the update service indicates to the network capability of the electronic device to update at least one of a firmware and software, electronic device employing the at least one update to update the at least one of firmware and software (i.e., the mobile phone is programmed with a service option for changing the NAM parameters including an identification number for this option. The network base station sends a message to the mobile phone using the identification number and, if the mobile phone has OTAPA capability, it responds indicating support. The base station then transmits message telling the mobile station to proceed to the Traffic Channel and inquires whether the encryption mode is enabled, proceeding with the OTAPA only if the encryption mode is enabled. Once on the Traffic Channel, a Parameter Change Code (PCC) is sent. If the PCC is verified by the mobile unit, the base station proceeds to update the parameters and store the updated parameters into the phone's memory. After verification of the programmed data in accordance with OTASP processing, the process is terminated) (see abstract, and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 2, Moles discloses a network (see claim 1 rejection) wherein the device server is adapted to store and dispense a plurality of updates (i.e., either during the service provisioning or at a subsequent time, mobile station configuration server 160 gathers configuration data from MS 112 and stores it in a configuration record in a database) (see figs. 2-4, col. 6, lines 33-39), wherein the at least one update dispensed to the electronic device is selected from the plurality of updates based upon characteristics of the electronic device communicated to the device server (see figs. 2-4, col. 6, lines 33-39).

Regarding claim 3, Moles discloses a network (see claim 2 rejection) further comprising: number assignment module (NAM) parameters provisioned in the electronic device by the network, wherein the network is capable of administering the NAM parameters in the electronic device (i.e., service provisioning initiates an over-the-air (OTA) process that activates in the cellular handset a Number Assignment Module) (see col. 1 line 66 to col. 2, line 2); and scheduling software for at least one update of one of firmware and software in the electronic device during administration of the NAM parameters by the network (see col. 7, line 36 to col. 8, line 26). Also refer to the Shah's abstract and col. 3, lines 30-60.

Regarding claim 4, Moles discloses a network as described above (see claim 3 rejection).

Although Moles discloses a network wherein the over-the-air provisioning function comprises a software (see col. 6, lines 38-44), Moles does not specifically disclose a network wherein the network is capable of determining whether the electronic device supports an over-the-air provisioning function, and wherein the electronic device is capable of executing the over-the-air provisioning function.

However, Shah discloses a mobile phone is programmed with a service option for changing the NAM parameters including an identification number for this option. The network base station sends a message to the mobile phone using the identification number and, if the mobile phone has OTAPA capability, it responds indicating support. The base station then transmits message telling the mobile station to proceed to the Traffic Channel and inquires whether the encryption mode is enabled, proceeding with the OTAPA only if the encryption mode is enabled. Once on the Traffic Channel, a Parameter Change Code (PCC) is sent. If the PCC is verified by the mobile unit, the base station proceeds to update the parameters and store the updated parameters into the phone's memory. After verification of the programmed data in accordance with OTASP processing, the process is terminated (see abstract and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 5, Moles discloses a network (see claim 4 rejection) wherein one of the firmware update function and the software update function in the electronic device is invoked (see col. 26, lines 28-44, and col. 8, lines 32-40).

Although Moles discloses a network as described, Moles does not specifically disclose a network wherein the invoking is based upon one of a firmware update service option and a software update service option provided in the electronic device.

However, Shah discloses a network wherein service option is provided in the electronic device (see abstract, and col. 3, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 6, Moles discloses a network (see claim 5 rejection) further comprising: an update agent in the electronic device (i.e., update controller) (see fig. 3); and a network server determining a service option and for permitting the electronic device to initiate over-the-air access to one of the firmware update service option and the software update service option in the electronic device (i.e., mobile station configuration server) (see fig. 2, col. 6, lines 13-16).

Although Moles discloses a network as described, Moles does not specifically disclose a network wherein the network is adapted to employ the means for determining a service option to determine one of an enabled firmware update service option and an enabled software update

service option in the electronic device and the network is adapted to invoke the update agent while initializing a number assignment module in the electronic device.

However, Shah discloses a network wherein the mobile phone is programmed with a service option for changing the NAM parameters including an identification number for this option. The network base station sends a message to the mobile phone using the identification number and, if the mobile phone has OTAPA capability, it responds indicating support. The base station then transmits message telling the mobile station to proceed to the Traffic Channel and inquires whether the encryption mode is enabled, proceeding with the OTAPA only if the encryption mode is enabled. Once on the Traffic Channel, a Parameter Change Code (PCC) is sent. If the PCC is verified by the mobile unit, the base station proceeds to update the parameters and store the updated parameters into the phone's memory. After verification of the programmed data in accordance with OTASP processing, the process is terminated (see abstract and col. 3, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 7, Moles discloses a network (see claim 6 rejection) wherein the at least one update selected from the plurality of updates is disseminated to the electronic device (see figs. 2-4, col. 6, lines 33-39), and wherein the update agent is invoked in the electronic device for

updating one of firmware and software employing the at least one updates (see figs. 2-4, col. 6, lines 33-39).

Although Moles discloses a network as described, Moles does not specifically disclose a network wherein one of the firmware update service option and the software update service option in the electronic device is adapted to be set by the network without user intervention.

However Shah discloses a network wherein service option is adapted to be set by the network without user intervention (see abstract and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 8, Moles discloses a network (see claim 7 rejection) further comprising: over-the-air delivery of the at least one update to the electronic device from a delivery server (i.e., when an unprovisioned mobile station accesses wireless network, then BS and/or MSC, using the handset data in HLR, identifies MS as an unprovisioned handset and performs an over-the-air (OTA) service provisioning of the MS. Either during the service provisioning or at a subsequent time, mobile station configuration server gathers configuration data from MS and stores it in a configuration record in a database. Thereafter, mobile station configuration server may from time to time transmit mobile station updates to the MS to correct software defects or to add new features) (see col. 6, lines 28-39).

Although Moles discloses a network as described, Moles does not specifically disclose a network wherein over-the-air delivery of the at least one update to the electronic device takes place after determining that one of the firmware update service option and the software update service option in the electronic device is set.

However, Shah discloses a network wherein over-the-air delivery of the at least one update takes place after determining that a service option in the electronic device is set (ses abstract and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 9, Moles discloses a network (see claim 4 rejection) further comprising: one of a firmware update service function and a software update service function in the electronic device (see col. 6, lines 28-44); and a network server for facilitating network-initiated over-the-air access (i.e., mobile station configuration server) (see fig. 2, col. 6, lines 13-16), and initiating download of at least one update and updating one of the firmware and software of the electronic device (see col. 7, line 36 to col. 8, line 26).

Although Moles discloses a network as described, Moles does not specifically disclose a network comprising over-the-air access to one of the firmware update service option and the software update service option in the electronic device, wherein the network initializes the number assignment module in the electronic device and, after determining that one of the

firmware update service option and the software update service option in the electronic device is enabled.

However, Shah discloses a mobile phone is programmed with a service option for changing the NAM parameters including an identification number for this option. The network base station sends a message to the mobile phone using the identification number and, if the mobile phone has OTAPA capability, it responds indicating support. The base station then transmits message telling the mobile station to proceed to the Traffic Channel and inquires whether the encryption mode is enabled, proceeding with the OTAPA only if the encryption mode is enabled. Once on the Traffic Channel, a Parameter Change Code (PCC) is sent. If the PCC is verified by the mobile unit, the base station proceeds to update the parameters and store the updated parameters into the phone's memory. After verification of the programmed data in accordance with OTASP processing, the process is terminated (see abstract and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 10, Moles discloses a network (see claim 1 rejection) wherein the electronic device comprises at least one of a: plurality of mobile electronic devices (see fig. 1, and col. 5, lines 1-5), and wherein the plurality of mobile electronic devices comprise at least one

of a mobile cellular phone handset, personal digital assistant, pager, MP3 player, and a digital camera (see fig. 1, and col. 5, lines 1-5).

Regarding claim 11, moles discloses a mobile electronic device network adapted to update electronic devices and perform over-the-air number assignment module parameter provisioning (see abstract), the network comprising: an electronic device comprising one of firmware and software (see fig. 2, and col. 6, lines 28-39), the electronic device also comprising number assignment module parameters (i.e., service provisioning initiates an over-the-air (OTA) process that activates in the cellular handset a Number Assignment Module) (see col. 1 line 66 to col. 2, line 2), the electronic device being communicatively coupled to at least one server (see fig. 2); and wherein the electronic device is also adapted to communicate device specifications to the network when the network attempts to provision the number assignment module parameters (i.e., when an unprovisioned mobile station accesses wireless network, then BS and/or MSC, using the handset data in HLR, identifies MS as an unprovisioned handset and performs an over-the-air (OTA) service provisioning of the MS. Either during the service provisioning or at a subsequent time, mobile station configuration server gathers configuration data from MS and stores it in a configuration record in a database. Thereafter, mobile station configuration server may from time to time transmit mobile station updates to the MS to correct software defects or to add new features) (see col. 6, lines 28-39).

Although Moles discloses a network as described, Moles does not specifically disclose a network wherein presence of support for at least one of a firmware update service option and a software update service option in the electronic device determinable by the network, wherein when enabled, the presence of support for the at least one of a firmware update service option

and a software update service option indicates to the network that the electronic device is capable of updating one of firmware and software, wherein the electronic device is adapted to communicate the presence of support for the one of the firmware update service option and software update service option to the network.

However, Shah discloses a network wherein presence of support for an update service option in the electronic device determinable by the network, wherein when enabled, the presence of support for the update service option indicates to the network that the electronic device is capable of updating one of firmware and software, wherein the electronic device is adapted to communicate the presence of support for the update service option (see abstract and col. 3, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 12, Moles discloses a network (see claim 11 rejection) wherein the at least one server dispenses at least one of a plurality of updates to the electronic device (i.e., an update controller for transmitting to a first mobile station a mobile station configuration request message and for receiving from the first mobile station first configuration data transmitted by the first mobile station in response to receipt of the mobile station configuration request message. The update controller stores the first configuration data in a first configuration record. Either during the service provisioning or at a subsequent time, mobile station configuration server 160

gathers configuration data from MS 112 and stores it in a configuration record in a database. Thereafter, mobile station configuration server 160 may from time to time transmit mobile station updates to MS 112 to correct software defects or to add new features) (see abstract, and col. 6, lines 28-44).

Although Moles discloses a network wherein update is dispensed to the electronic device based on device specifications communicated to the server (i.e., software and hardware revision), Moles does not specifically disclose a network wherein least one server dispenses at least one of a plurality of updates to the electronic device based upon the presence of support for the one of the firmware update service option and the software update service option communicated to the at least one server by the electronic device.

However, Shah discloses a network wherein updates to the electronic device are dispensed based upon the presence of support for the update service option is communicated to the network (see abstract, and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 13, Moles discloses a network (see claim 11 rejection) wherein the network is adapted to manage updating at least one of firmware and software (see col. 6, lines 28-44).

Although Moles discloses a network as described, Moles does not specifically disclose a network wherein the network is adapted to manage updating the software based upon the support for the one of a firmware update service option and a software update service option in the electronic device determinable by an over-the-air provisioning function in the network.

However, Shah discloses a network wherein the network is adapted to manage updating based upon the presence of support for the update service option in the electronic device determinable by an over-the-air provisioning function in the network (see abstract and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 14, Moles discloses a network (see claim 13 rejection) wherein the network is adapted to provision a universal resource locator in the electronic device for at least one server in the network, wherein the at least server is employed to download updates to the electronic device (i.e., after a predetermined delay or upon acknowledgment by the user of MS 112, mobile station update controller 305 may then transfer downloadable upgrade file 324 to handset MS 112 through Internet 165 and wireless network 100) (see col. 7, lines 49-60).

Although Moles discloses a network as described, Moles does not specifically disclose a network wherein the network is adapted to determined a state of one of the firmware update service option and the software update service option in the electronic device.

However, Shah discloses a network wherein the network is adapted to determined a state of an update service option in the electronic device (see abstract and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 15, Moles discloses a network (see claim 11 rejection) wherein the electronic device comprises at least one of a plurality of mobile electronic devices (see fig. 1, and col. 5, lines 1-5), and wherein the plurality of mobile electronic devices comprise at least one of a mobile cellular phone handset, personal digital assistant, pager, MP3 player, and a digital camera (see fig. 1, and col. 5, lines 1-5).

Regarding claim 16, Moles discloses a method of updating software in a wireless communication device in a wireless network (see abstract), the method comprising downloading an update from a server in the wireless network (i.e., after a predetermined delay or upon acknowledgment by the user of MS 112, mobile station update controller 305 may then transfer downloadable upgrade file 324 to handset MS 112 through Internet 165 and wireless network 100) (see col. 7, lines 49-60).

Although Moles discloses a method as described, Moles does not specifically disclose a method comprising determining a value of one of a firmware update service option and a software update service option in the wireless communication device by the wireless network,

and downloading an update from a server if one of the firmware update service option number is determined to have a predetermined value.

However, Shah discloses a method comprising determining a value of an update service option in the wireless communication device and downloading an update from a server if the update service option number is determined to have a predetermined value (i.e., mobile phone is programmed with a service option for changing the NAM parameters including an identification number for this option. The network base station sends a message to the mobile phone using the identification number and, if the mobile phone has OTAPA capability, it responds indicating support. The base station then transmits message telling the mobile station to proceed to the Traffic Channel and inquires whether the encryption mode is enabled, proceeding with the OTAPA only if the encryption mode is enabled. Once on the Traffic Channel, a Parameter Change Code (PCC) is sent. If the PCC is verified by the mobile unit, the base station proceeds to update the parameters and store the updated parameters into the phone's memory) (see col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 17, Moles discloses a method (see claim 16 rejection) wherein determining is performed during an over-the-air parameter administration operation for programming number assignment module parameters (i.e., when an unprovisioned mobile station

accesses wireless network, then BS and/or MSC, using the handset data in HLR, identifies MS as an unprovisioned handset and performs an over-the-air (OTA) service provisioning of the MS) (see col. 6, lines 28-39).

Regarding claim 18, Moles discloses a method as described above (see claim 17 rejection).

Although Moles discloses a method as described, Moles does not specifically disclose a method wherein the over-the-air parameter administration operation comprises: paging one of a firmware update service option number and a software update service option number in the wireless communication device; and responding to the paging, if the wireless communication device is capable of supporting the over-the-air parameter administration operation.

However, Shah discloses a method wherein the over-the-air parameter administration operation comprises: paging an update service option number in the wireless communication device (i.e., general page message) (see col. 2, lines 42-44); verifying an identity of the wireless communication device using at least one authentication process (see col. 2, lines 30-60) and responding to the paging, if the wireless communication device is capable of supporting the over-the-air parameter administration operation (i.e., page response message) (see col. 2, lines 46-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 19, Moles discloses a method as described above (see claim 18 rejection).

Although Moles discloses a method as described, Moles does not specifically disclose a method wherein responding to the paging further comprises: indicating support for one of the firmware update service option and the software update service option by sending one of a firmware update service option number and a software update service option number, if the wireless communication device supports one of the firmware update service option and the software update service option; and indicating lack of support for one of the firmware update service option and the software update service option, if the wireless communication device does not support one of the firmware update service option and the software update service option.

However, Shah discloses a method wherein responding to the paging further comprises: indicating support for one of an update service option by sending one of an update service option number, if the wireless communication device supports the update service option (see abstract and col. 2, lines 44-50); and indicating lack of support for the update service option, if the wireless communication device does not support the update service option and the software update service option (see col. 2, lines 48-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 20, Moles discloses a method (see claim 16 rejection) wherein downloading comprises: setting a flag in the wireless communication device indicating availability of an update package for updating the wireless communication device during an over-the-air parameter administration operation changing number assignment module parameters (i.e., mobile station update controller 305 gathers initial configuration data (i.e., manufacturer identification code, hardware revision number, and software revision number) from MS 111-114 through MSC 140 and IWF 150 during the time that each handset is being provisioned or at a subsequent time. In either case, mobile station update controller 305 stores the initial configuration data for each handset MS 111-114 in the respective mobile station parameters file 320, 330, 340 and 350. Periodically, as determined by update schedule 313, mobile station update controller 305 may request a copy of the latest software revision for MS 111-114 from the manufacturer of each handset. Subsequently, mobile station update controller 305 stores the software received from the manufacturers, if any, in the appropriate downloadable upgrade file in mobile station parameters files 320, 330, 340 and 350) (see fig. 3, col. 6, lines 5-8, lines 28-39, and line 66 to col. 7, line 35); sending a universal resource locator identifying at least one server to the wireless communication device during an over-the-air parameter administration operation changing number assignment module parameters (see fig. 3, col. 6, lines 5-8, lines 28-39, and line 66 to col. 7, line 35); and retrieving update information from the at least one server based upon the flag (see fig. 3, col. 6, lines 5-8, lines 28-39, and line 66 to col. 7, line 35, and col. 8, lines 49-59).

Regarding claim 21, Moles discloses a method as described above (see claim 16 rejection).

Although Moles discloses a method as described, Moles does not specifically disclose a method wherein determining comprises: receiving a general page message indicating one of a firmware update service option and a software update service option by the wireless communication device; verifying support of one of the firmware update service option and the software up-date service option by the wireless communication device; and sending a response to a base station indicating support of one of firmware and software updates when the wireless communication device verifies support of one of the firmware update service option and the software update service option.

However, Shah discloses a method wherein determining comprises: receiving a general page message indicating an update service option by the wireless communication device (see col. 2, lines 39-60); verifying support of the update service option by the wireless communication device (see col. 2, lines 39-60); and sending a response to a base station indicating support of the update when the wireless communication device verifies support of one of the firmware update service option and the software update service option (see col. 2, lines 39-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 22, Moles discloses a method as described above (see claim 16 rejection).

Although Moles discloses a method as described, Moles does not specifically disclose a method wherein verifying further comprises: paging the wireless communication device for one of a firmware update service option number and a software update service option number; comparing one of the firmware update service option number and the software update service option number received on one of a stored firmware update service option number and a stored software update service option number in the wireless communication device, to determine a match by the wireless communication device; and responding to the paging indicating a negative match if a match does not occur.

However, Shah discloses a method wherein verifying further comprises: paging the wireless communication device for an update service option number (see abstract and col. 2, lines 30-60); comparing the update service option number received on a update service option number in the wireless communication device, to determine a match by the wireless communication device (see abstract and col. 2, lines 30-60); and responding to the paging indicating a negative match if a match does not occur (see abstract and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 23, Moles discloses a method (see claim 16 rejection) wherein the electronic device comprises at least one of a plurality of mobile electronic devices (see fig. 1, and col. 5, lines 1-5), and wherein the plurality of mobile electronic devices comprise at least one of

a mobile cellular phone handset, personal digital assistant, pager, M23 player, and a digital camera (see fig. 1, and col. 5, lines 1-5).

Regarding claim 24, Moles discloses a computer-readable storage, having stored thereon a computer program having a plurality of code sections enabling over-the-air updating of at least one of firmware and software in an electronic device via a wireless network (see fig. 2, and col. 6, lines 28-39), and engaging in over-the-air updating of the software of the electronic device via wireless network (see col. 6, lines 13-29).

Although Moles discloses a storage as described, Moles does not specifically disclose a storage comprising: receiving at least one message from a server over the wireless network as part of an over the air parameter administration process, the message comprising a service option parameter; determining whether a value of the service option parameter corresponds to one of a firmware update service option and a software update service option; and engaging in over the air updating of the at least one of firmware and software of the electronic device via the wireless network, if it is determined that the value of the service option parameter corresponds to the one of a firmware update service option and a software update service option.

However, Shah discloses a storage comprising receiving at least one message from a server over the wireless network as part of an over the air parameter administration process, the message comprising a service option parameter (see abstract and col. 2, lines 30-60); determining whether a value of the service option parameter corresponds to an update service option (see abstract and col. 2, lines 30-60); and engaging in over the air updating of the at least one of firmware and software of the electronic device via the wireless network, if it is determined that the value of the service option parameter corresponds to the one of a firmware

update service option and a software update service option (see col. 2, lines 30-60). Shah also discloses that the received message is a cellular network message for paging a subscriber telephone (as related to claim 27) (see col. 2, lines 30-60), and wherein the received service option parameter is compatible with the Electronics Industries Alliance (EIA)/Telecommunications Industry Association (TIA) IS-683 standard (as related to claim 28) (see col. 1, lines 14-36)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 25, Moles discloses a storage (see claim 24 rejection), wherein the electronic device is a battery-operated handheld electronic device (see fig. 1, and col. 5, lines 1-5).

Regarding claim 26, Moles discloses a storage (see claim 25 rejection) wherein the electronic device is a cellular telephone (see fig. 1, and col. 5, lines 1-5).

Regarding claim 29, Moles discloses storage as described above (see claim 24 rejection).

Although Moles discloses a storage as described, Moles does not specifically describe a storage further comprising sending a message over the wireless network indicating the presence of support for the one of a firmware update service option and a software update service option, if it is determined that the value of the service option parameter corresponds to the one of a firmware update service option and a software update service option.

However, Moles discloses a storage further comprising sending a message over the wireless network indicating the presence of support for the update service option, if it is determined that the value of the service option parameter corresponds to the one of a firmware update service option and a software update service option (see abstract and col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Regarding claim 30, Moles discloses storage as described above (see claim 24 rejection).

Although Moles discloses a storage as described, Moles does not specifically disclose a storage further comprising verifying the identity of tile server to the electronic device using an authentication procedure, prior to engaging in over the air updating.

However, Shah discloses a storage comprising verifying the identity of tile server to the electronic device using an authentication procedure, prior to engaging in over the air updating (see col. 2, lines 30-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Shah with the teachings as described by Moles to arrive at the claimed invention. A motivation for doing so would have been to provide means for simplifying the administration of parameters and preserving thee security of parameters.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Pierre-Louis Desir
07/09/2007

JOSEPH FEILD
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